

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CBS BROADCASTING INC.,
NBC STUDIOS, INC.,
UNIVERSAL NETWORK TELEVISION, LLC,
NBC SUBSIDIARY (KNBC-TV), INC.
TWENTIETH CENTURY FOX FILM CORPORATION,
FOX TELEVISION STATIONS, INC.,
ABC HOLDING COMPANY INC.,
and DISNEY ENTERPRISES, INC.,

Plaintiffs,

v.

FILMON.COM, INC.,

Defendant.

MEMO ENDORSED

US Case SDNY 10-cv-7532-NRB
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/22/10

**ORDER TO SHOW CAUSE FOR A
PRELIMINARY INJUNCTION WITH TEMPORARY RESTRAINING ORDER**

Upon the application of plaintiffs for (1) an order to show cause why the Court should not enter a preliminary injunction against defendant FilmOn.com, Inc. ("FilmOn") prohibiting it from streaming the broadcasts of any television stations owned or associated with the plaintiffs, and (2) a temporary restraining order against such acts;

And having read and considered the papers submitted by plaintiffs in support of such application, including the Complaint, the Declaration of Martin D. Franks, Executive Vice President, Planning, Policy and Government Relations for CBS Corporation, dated November 8, 2010, the Declaration of Hadrian R. Katz, counsel for plaintiffs, dated November 8, 2010, the declaration of C. Scott Morrow, counsel for plaintiffs, dated November 8, 2010, and the Memorandum of Law in support of the requested relief, wherein it is alleged that plaintiffs will

and having considered defendant's affidavit and memorandum in response, plaintiffs
be irreparably harmed absent the relief sought herein, and good cause being shown therefor,
<sup>reply papers
and oral
argument having
been held</sup>

NOW, THEREFORE,

ORDER TO SHOW CAUSE

IT IS ORDERED THAT defendant FilmOn.com, Inc. show cause before the Honorable Naomi Reice Buchwald, United States District Judge, Courtroom 21A of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, ~~on~~ ^{NRB}
~~at a date and time to be determined~~
~~_____~~, 2010 at _____ a.m./p.m., or as soon thereafter as counsel can be heard, why an order should not be entered, pursuant to Rule 65 of the Federal Rules of Civil Procedure, granting plaintiffs the following preliminary injunctive relief pending the final disposition of this action:

1. Enjoining defendant from infringing by any means, directly or indirectly, any of plaintiffs' exclusive rights under Section 106 (1)-(5) of the Copyright Act, including but not limited to through the streaming over mobile telephone systems and/or the Internet of any of the broadcast television programming in which any plaintiff owns a copyright; and
2. Granting plaintiffs such other relief as the Court may deem just and proper.

TEMPORARY RESTRAINING ORDER

IT IS FURTHER ORDERED THAT, pending a full hearing on the Order to Show Cause, defendant and its agents, servants, employees, and attorneys, and all those acting in concert or participation with them who receive actual notice of the Order by personal service or otherwise are hereby **TEMPORARILY RESTRAINED** from infringing by any means, directly or indirectly, any of plaintiffs' exclusive rights under Section 106 (1)-(5) of the Copyright Act, including but not limited to through the streaming over mobile telephone systems and/or the Internet of any of the broadcast television programming in which any plaintiff owns a copyright.

ORDER COMPELLING DEFENDANTS TO PRESERVE INFORMATION

Pending the final disposition of all claims in this lawsuit, defendant shall preserve all documents, electronically stored information, and/or tangible things relevant to the subject matter of, or reasonably calculated to lead to the discovery of admissible evidence in, this action or any of the claims asserted herein and maintain them in an accessible form and place.

SERVICE, OPPOSITION AND REPLY PAPERS

defendant's supplemental papers are to be submitted by December 6, 2010 and plaintiffs response thereto

IT IS FURTHER ORDERED THAT this Order, together with the papers upon which it was granted, be served upon defendant no later than _____, 2010, with proof of service filed no later than _____, 2010. Service shall be deemed good and sufficient if made (a) personally, (b) by certified mail (return receipt requested) or express overnight delivery or (c) by any other means authorized by the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED THAT answering papers by defendant, if any, shall be filed no later than _____, 2010 and served personally or by overnight delivery upon the attorneys for plaintiffs to be received on or before ____ a.m./p.m., on _____, 2010, and a courtesy copy shall be delivered to the Court's Chambers at the same time. Any reply papers by plaintiffs shall be filed on or before ____ a.m./p.m. on _____, 2010, and served personally or by overnight delivery, and a courtesy copy shall be delivered to the Court's Chambers at the same time.

BOND

IT IS FURTHER ORDERED THAT an undertaking or equivalent cash deposit in the amount of \$ 10,000.00 be posted by plaintiffs with the Clerk of the Court as may be necessary

to provide security for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully restrained or enjoined.

SO ORDERED.

DATED: November 22, 2010



UNITED STATES DISTRICT JUDGE